

HOME (JAILS) DEPARTMENT

The 20th October, 1976

No. 7051-6JJ-76/28421.—Shri Raj Kanwar Gupta, on his appointment as Deputy Superintendent, Jail (under Training) have reported for duty at the Tata Institute, Bombay, with effect from 9th July, 1976 (forenoon).

M. C. GUPTA,

Commissioner and Secy.

LABOUR DEPARTMENT

The 14th October, 1976

No. 10429-4 Lab-76/28150.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Jotindera Steel Tubes Limited, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Miscellaneous Application No. 5 of 1976 in reference No. 45 of 1976.

between

THE WORKMEN AND THE MANAGEMENT OF M/S JOTINDERA STEEL AND TUBES
LIMITED, FARIDABAD

ORDER

The admitted facts of the case are that on a reference being made to this Tribunal in respect of the dispute arising from the demands raised on the management by Shri Jang Bahadur, General Secretary, Jotindera Steel & Tubes Employees Union, Faridabad, it was finally adjudicated upon,—*vide* award dated 15th April, 1975 of Shri O. P. Sharma, the then Presiding Officer, Industrial Tribunal, Haryana, Faridabad as a result of the settlement arrived at between the management and Shri Jang Bahadur and three other office bearers of the union.

One Shri Ram Avtar Sharma alledging himself to be General Secretary of Jotindera Steel and Tubes Employees Union made an application registered as No. 5 of 1975 praying for with holding the publication of the Award on the ground that the settlement forming the basis of the award was neither legal nor fair and reasonable and had been made in a stealthy manner by the management and Shri Jang Bahadur. It was alleged that Shri Jang Bahadur agreed to the settlement under the influence and guidance of the management.

The management resisted this application with the plea that Shri Ram Avtar Sharma had no authority or locus standi for making application for setting aside the award entered into by the General Secretary and three other office bearers of the union with the management. Thy further stated that all the workmen had already accepted the benefits under the settlement and were now debarred from making an application for setting aside the Award made as a result of the settlement binding on them.

The following legal issues were thus framed by me on pleas of the parties,—*vide* my order dated 2nd December, 1975.

- (1) Whether the application for setting aside the award duly signed by the Presiding Officer of this Tribunal is maintainable on the ground stated therein ?
- (2) Whether Shri Ram Avtar has locus standi to make the application for setting aside the award ?

I have heard the learned authorised representatives for the parties on the legal issues stated above. Shri Ram Avtar did not deny the fact of Shri Jang Bahadur being the General Secretary of the union on 30th October, 1974 the date of the notice of demands served on the management or on 6th February, 1975 the date of the settlement. He did not further deny the factum of the other three signatories of the settlement Ex. M-1 being the office bearers of the union. The statements in respect of the affirmation of the settlement were admittedly made by Shri Jang Bahadur and the authorised representative for the management before the Industrial Tribunal on 15th April, 1975.

Shri Jang Bahadur admittedly filed a claim statement that the demand raised by him on the management had been amicably settled. It can not under the circumstances be said that the settlement forming the basis of the award was not legal or not binding on the parties.

Even if it be assumed that Shri Ram Avtar Sharma was elected as the General Secretary of the union after the settlement was finally recorded and acted upon the Tribunal, he has no locus standi to make an application for setting aside the award and I agree with learned authorised representative for the management that the application made by him on the ground stated above is unmaintainable. Even otherwise it could not be shown to me that the settlement was in any way unreasonable. I on the other hand find that one cotton uniform was given to each workman who had completed six months regular service before 1st January, 1975 besides dearness allowances etc.,—vide terms of the settlement Ex M-1 and the major demands of the workmen were thus accepted. The settlement is thus obviously fair and reasonable. The settlement having been affirmed by the parties concerned,—vide statements made before the Presiding Officer, Industrial Tribunal, Haryana, it hardly lies in the mouth of Shri Avtar Singh to say that it was the result of the influence exercised on him by the management and taken from any angle, the settlement has to be held as having been voluntarily made by Shri Jang Bahadur and three other office bearers of the union and is binding on the parties.

I thus decide both the issues against the applicant and dismiss the application with a direction that the award already recorded and signed by my learned predecessor be sent to the Government for publication.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

Dated 19th August, 1976.

ATTESTED

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 45 of 1975

between

THE WORKMEN AND THE MANAGEMENT OF M/S. JOTINDERA STEEL AND
TUBES LIMITED, FARIDABAD

Present :—

SHRI JANG BAHADUR, GENERAL SECRETARY, JOTINDERA STEEL AND
TUBES EMPLOYEES UNION, FARIDABAD, SHRI O. P. TYAGI,
PERSONNEL MANAGER, FOR THE MANAGEMENT

AWARD

The workmen of M/s. Jotindera Steel and Tubes Limited, Faridabad had raised certain demands for supply of uniforms, grant of dearness allowance and annual increments, payment of Bonus for the year 1973-74 which, on receipt of the failure report from the Conciliation Officer, were referred for adjudication to this Tribunal by order No. ID/FD/75/12924, dated 7th March, 1975 of the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, with the following terms of reference:—

1. Whether the workmen should be supplied with uniforms ? If so, with what details ?
2. Whether the workmen are entitled to the grant of dearness allowance ? If so, with what details ?
3. Whether the rate of annual increment of the workers should be increased ? If so, with what details ?
4. Whether the workers are entitled to bonus for the year 1973-74 ? If so, with what details ?

The parties were called upon to put in their respective pleadings. They have arrived at an amicable settlement as per terms and conditions given in the memorandum of settlement, dated 6th February, 1975 Ex. M-1. Statements of Shri O. P. Tyagi, Personnel Manager and Shri Jang Bahadur, General Secretary of the union who had given the demand notice leading to the present reference have been recorded. According to them the memorandum of settlement is signed by three other union leaders Sarvshri Phool Chand (Office Secretary), Satwant Singh (Organising Secretary), Kusheshwar (Propaganda Secretary) besides Shri Jang Bahadur (General Secretary). It is witnessed by Sarvshri G. R. Shah, and Ram Chander who were also employees of the Company. Shri O. P. Tyagi, has signed it on behalf of the management besides the Works Manager Shri R. K. Aggarwal.

In view of the above no further proceedings are called for in the case and the award is made as per terms and conditions given in the memorandum of settlement Ex. M-1 which shall form part of the award. In the circumstances, there is no order as to costs.

Dated 15th April, 1975.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 15th April, 1975.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

MEMORANDUM OF SETTLEMENT UNDER SECTION 18(1) OF INDUSTRIAL DISPUTES ACT, 1947

Names of the Parties

.. M/s. Jotindra Steel and Tubes Ltd., and their workmen.

Names of Representatives.—

1. For Management

.. Shri R. K. Aggarwal (Works Manager)
Shri O. P. Tyagi (Personnel Manager)

2. For Workmen

.. 1. Sh. Jang Bahadur (General Secretary) ;
2. Sh. Phool Chand (Office Secretary) ;
3. Sh. Satwant Singh (Organising Secretary) ;
4. Sh. Kusheshwar (Propaganda Secretary) ;
JOTINDRA STEEL & TUBES LIMITED,
EMPLOYEES UNION FARIDABAD.

Short Recital of the Case :

The workmen have served on the management a Notice of Demand, dated 30th October, 1974. After discussion, the parties have arrived at the following settlement.

Terms of Settlement :

1. Effective from 1st January, 1975 the Dearness Allowance will be linked with the cost of living index on the basis of Haryana State series 1956-100. The figures will be taken in respect of Faridabad Centre. For this purpose, cost of living index number 192 shall be the base for fixed D. A. at the rate of Rs 22/- per month. Over and above that the adjustment will be made at the rate of Rs. 0.50 paise per point of rise or decrease in the cost of living index. However, from 1st January, 1975, it will be increased to Rs 36/- (Rupees thirty-six only) per month. Further adjustment shall be made as stipulated above. The increase/decrease below 5(five) points shall be ignored. The revision shall be made every month on the basis of the figure for the month one month prior to the month concerned e. g. on the basis of November, 1974 for January, 1975.

2. One cotton uniform will be issued to all the workers who have completed six months regular service on or before 1st January, 1975.

3. The terms shall be effective for a period of two years from the date of settlement. The neutralization as stipulated above shall be effective only upto 245 cost of living index numbers. Beyond that no increase will be granted. However, it will not effect the provisions of Minimum Wages Act. During the period of operation of settlement both the parties will maintain cordial relations and the workmen will not raise any demand involving financial burden during this period.

4. The workmen withdraw rest of their demands.

5. The settlement is applicable only in respect of manual workers and does not include supervisory, clerical and other subordinate and essential services employees.

SIGNATURE OF THE PARTIES

FOR MANAGEMENT

1. (Sd.) R. K. AGGARWAL
2. (Sd.) O. P. TYAGI

FOR WORKMEN

1. (Sd.) JANG BAHADUR
2. (Sd.) PHOOL CHAND
3. (Sd.) SATWANT SINGH
4. (Sd.) KUSHESHWAR

5. _____

Place : Faridabad.

Date : 6th February, 1975.

WITNESS

Copy to :

1. The Secretary, Labour Department,
Government of Haryana, Chandigarh.
2. The Labour Commissioner,
Haryana, Chandigarh.
3. Labour-cum-Conciliation,
Sector 15, Faridabad.
4. Labour Inspector,
Sector 15, Faridabad.

P. P. CAPRIHAN,

Commissioner and Secy.

राजस्व विभाग

युद्ध जागीर

दिनांक 18 अक्टूबर, 1976

क्रमांक 1984-ज(II)-76/31964.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 2 (ए) (1ए) तथा 3 (1ए) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्री राम प्रसाद, पुत्र श्री बख्तावर, गांव भूसली, तहसील व जिला करनाल को रबी, 1973 से 150 रुपये वार्षिक कीमत वाली युद्ध जागीर, सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।

यशवन्त कुमार जैन,

विशेष कार्य अधिकारी, हरियाणा सरकार,
राजस्व विभाग।